

**ORDER BELOW EXH.01**

1. This application is filed for release of two wheeler vehicle i.e. **TVS Scooty bearing Registration No.MH-06-CN-4847 having Chassis No. MD626BK38R2D000683 & Engine No.AK3DR2002341** (hereinafter for short referred to as the seized vehicle) which is seized by Roha Police Station in connection with C.R.No.41/2026, on the ground that applicant needs the seized vehicle as it requires in her daily use.

2. Investigating Officer has filed his say at **Exh.9** whereby he contended that seized vehicle is used for committing offence, still investigation is in progress and If it is returned to the applicant, it can be used in similar offence, hence Investigating Officer prayed to reject the application. Further Ld. APP has filed his say overleaf the application and objected to release the seized vehicle in favour of the applicant. He contended that if the seized vehicle is returned to the applicant, applicant can sell the same and applicant will not secure its physical presence as and when required and use the seized vehicle for such type of offence again. Therefore, he prayed to reject the application.

3. The Hon'ble Supreme Court in **Sundarbhai Ambalal Desai V/s. State of Gujarat, 2002 (10) SCC 283** observed that 'the object and scheme of the various provision of the code appear to be that where the property which has been subject matter of an offence is seized by the police, it ought not to be retained in the custody of the court or of

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the police for anytime longer than what is absolutely necessary.

4. In present matter initial investigation is seen to be completed. The applicant produced verified copy of registration certificate of the seized vehicle at **Exh.10** whereby it can be seen that applicant is the registered owner of the same. Moreover, in view of aforementioned ratio of Hon'ble Supreme Court, it is cleared that unless the case property is absolutely necessary for inquiry or trial, court cannot retain the same either in custody of the court or in custody of police for any longer time. Investigating Officer did not contend that he wants seized vehicle for investigation and therefore there is no purpose to keep lying seized vehicle at police station. So also, interest and apprehension of prosecution can be safeguarded by imposing conditions. Hence, following order.

**ORDER**

1. The application is allowed.
2. Investigation Officer in Crime Register No. 41/2026 of Roha Police Station is directed to hand over the seized vehicle i.e. **TVS Scooty bearing Registration No.MH-06-CN-4847 having Chassis No. MD626BK38R2D000683 & Engine No.AK3DR2002341**, to the applicant till conclusion of the trial, by executing his indemnity bond of Rs.,1,00,000/- (Rupees One Lakh only).
3. Investigation Officer in Crime Register No. 41/2026 of Roha Police Station is directed to snap four corner photos of seized vehicle and prepare panchanama while handing over the seized vehicle to the applicant.

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4. The applicant to undertake that, he shall not sell or transfer the seized vehicle without prior permission of the court. The applicant to maintain and preserve the seized vehicle in all respects.
5. The applicant shall produce the seized vehicle in the court as and when directed.
6. This proceeding be tagged along with Crime Register No.41/2026 of Roha Police Station.
7. Investigation Officer in C.R.No.41/2026 of Roha Police Station to file indemnity bond executed by the applicant and panchanama with photographs along with the chargsheet/report in this court.

Date : 24.04.2026.

sd/-  
( S. V. Khaire )  
Judicial Magistrate First Class,  
Roha